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FILED

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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

By: Carmen A. Rodriguez
Deputy Attorney General

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND
PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC
EXAMINERS

IN THE MATTER OF	:	
	:	
FRANCIS SARTIANO, D.C.	:	Administrative Action
	:	
	:	
	:	FINAL ORDER
LICENSED TO PRACTICE CHIROPRACTIC:	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Chiropractic Examiners on information received and on which the following preliminary findings of fact and conclusions of law were made.

FINDINGS OF FACT

1. Respondent, a New Jersey licensee submitted his license renewal application form for the 1997-1998 biennial renewal period on September 23, 1997. In his response to

question #2 of the renewal application Dr. Sartiano affirmed that he had been arrested, charged, or convicted for the violation of any law or regulation since his last renewal. The respondent also affirmed in his response to question #3 on this application that he had his HMO or insurance company privileges taken away.

2. Dr. Francis Sartiano was convicted and pled guilty to one count of mail fraud in violation of Title 18, U.S.C. §1341 and one count of subscribing a false tax return in violation of Title 18 U.S.C. §7206(1). He was sentenced in United States District Court, District of Connecticut to a term of imprisonment of six months with a three year term of supervised release, ordered to perform community service, pay a fine and restitution to several insurance companies.

3. On February 26, 1998 the Board received a copy of the Certified Judgment in the Criminal Case, United States District Court, District of Connecticut, which set forth the terms of the sentence imposed by the Court upon acceptance of the respondent's guilty plea.

4. Upon the request of the Board, additional information was received from the United States Attorney including the copy of the indictment, plea agreement letter, sentencing memorandum and supplemental sentencing memorandum regarding the Sartiano case.

5. This additional documentation provided the Board with the underlying facts concerning the mail fraud charge (Count

4) and the subscribing to a false tax return charge (Count 16).

6. As specified in the papers, the elements of Count 4 charged: that Dr. Sartiano devised a scheme to obtain money or property by fraud or false representations by submitting billings on a number of occasions, from in or about January 1991 and continuing up to and including in or about April 1994 as specified in the Indictment, for chiropractic services to patients on dates that he was not in the office and in some instances was out of the state or country.

7. In addition to the six month term in custody, which the respondent completed on March 8, 1997, respondent must complete three years of supervised custody. Special conditions of the custody require that the respondent not commit additional crimes, that he file all personal and corporate tax returns on a timely basis, and perform community service to include 20 hours per month, for a total of 240 hours per year for three years. A fine of \$198,154 was imposed on Count four, to be paid in equal installments of \$39,630.90. Finally, respondent was required to pay restitution in the amount of \$40,463.00 by August 15, 1997 in specified amounts to the insurance companies listed in the Certified Judgment of Conviction.

8. Respondent surrendered his license to practice chiropractic in the State of Connecticut on August 28, 1997 and does not hold an active license in that state.

9. A Provisional Order revoking the respondent's license to practice chiropractic in the State of New Jersey was issued by the Board on or about September 2, 1998. Further, this Provisional Order was mailed to the respondent on September 4, 1998. Finally, the Provisional Order of Revocation indicated that it would be final in thirty (30) days unless the respondent requested modification or dismissal of the Findings of Fact or Conclusions of Law contained therein. A copy of this Order is attached and incorporated herein.

10. Respondent submitted a letter on October 7, 1998 to the Board requesting reconsideration of the revocation of his license. The letter further informed the Board that at the request of the State of Connecticut he was instructed to participate and complete the ProBe Program sponsored by the Ethics Group. Dr. Sartiano asked the Board to stay his license revocation until it reviewed the report from the ProBe Group. Respondent has demonstrated nothing to disturb the findings as set forth in the Provisional Order. His compliance with probationary terms is, of course, appropriate, but in no way undermines the basis for action in New Jersey, nor militates against a strong disciplinary result in the face of such a substantial pattern of criminal conduct.

CONCLUSIONS OF LAW

Respondent's conviction as set forth herein constitutes a conviction of a crime of moral turpitude and one that relates adversely to the practice of chiropractic pursuant to N.J.S.A. 45:1-21(f), and thus provides a basis

for the revocation of respondent's license to practice chiropractic in New Jersey.

ACCORDINGLY, IT IS on this 22nd day of February, 1999;

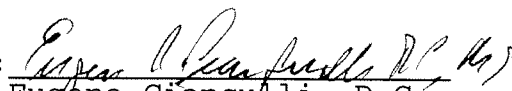
Ordered that:

1. The license of the respondent to practice chiropractic in the State of New Jersey be and hereby is revoked.

2. Prior to commencing the practice of chiropractic within the State of New Jersey, respondent shall appear before the State Board of Chiropractic Examiners to discuss the status of his licensure privileges in all other pertinent jurisdictions and his plans for professional practice in the State of New Jersey. Any practice in New Jersey prior to receiving approval from the Board shall be deemed unlicensed practice.

3. Prior to reinstatement of his New Jersey license to practice chiropractic, respondent shall present proofs that all conditions of the court imposed sentence and probation and any other jurisdiction have been satisfied.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By: 
Eugene Cianculli, D.C.
President